

REMARKS

Claims 1-22 are pending.

Claims 1-22 are subject to restriction requirement under 35 USC §121.

RESTRICTION (ELECTION OF SPECIES) REQUIREMENT

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I) Claims 1-4 and 23, drawn to a multi-layer film composition comprising a first layer comprising a neutral polymer and a cationic ion source, and a second layer comprising an anionic polymer, classified in class 424, subclass 1.13.
- II) Claims 5-7, drawn to a multi-layer film composition comprising a first layer comprising a cationic polymer, and a second layer comprising an anionic polymer, classified in class 424, subclass 1.13
- III) Claims 8-12, drawn to a multi-layer film composition comprising a first layer comprising a neutral polymer and a anionic or cationic ion surfactant, and a second layer comprising a neutral polymer and a water soluble salt, classified in class 424, subclass 1.13.
- IV) Claims 13-16, drawn to a multi-layer film composition comprising a first layer comprising a neutral polymer and an anionic surfactant, and a second layer comprising a cationic polymer, classified in class 424, subclass 1.13.
- V) Claims 17-20, drawn to a film composition comprising a first layer comprising a cationic surfactant, and a second layer comprising an anionic polymer, classified in class 424, subclass 1.13.
- VI) Claim 21, drawn to a tri-layer film, classified in class 424, subclass 1.13.

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VII) Claim 22, drawn to a method of manufacturing multi-layer film compositions, classified in class 424, subclass 1.13.

The Examiner contends that:

1. "inventions" I-V are unrelated because of the different materials used to form the respective layers of the individual groups I-V;
2. "inventions" I and VI, II and VI, III and VI, IV and VI, and V and VI are unrelated in that group VI refers to a trilayer while groups I-V relate to multi-layer film compositions or film compositions; and
3. although "inventions" I and VII, II and VII, III and VII, IV and VII, V and VII; and VI and VII are related as product and process of use, "[t]he inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process." "In the instant case," the Examiner states that, "the process as claimed can be used to make another and materially different product, such as a capsule."

In so reasoning, the Examiner has concluded that restriction for examination purposes is proper.

Applicants respectfully traverse this requirement.

Applicants submit that the Examiner has made an arbitrary separation of the claims. The Examiner provides no basis for suggesting that an examination of all the claims in the present application would impose a serious burden on the PTO as required by M.P.E.P §803. A search for film compositions comprising differently charged layers would necessarily uncover films and methods falling within the scope of any of separated groups I-VII. Hence, a search for all the claims would not be any more burdensome than a search for only some of them. However, should the above requirement be maintained, Applicants provisionally elect group I.

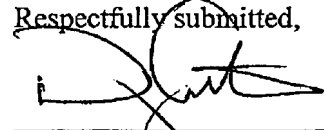
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In view of the foregoing remarks, it is respectfully requested that the Examiner withdraw his requirement for restriction and allow the generic claims to be prosecuted on the merits in the present application. In the event that the Examiner's election of species requirement is made final, Applicants affirm the provisional election made above.

Date

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Respectfully submitted,



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